THE HON'BLE SRI JUSTICE BILAL NAZKI
AND
THE HON'BLE SRI JUSTICE D.APPA RAO

WRIT PETITION NO.21122 OF 2007

Dated: 08-10-2007

Between:

M/S.Venkata Srinivasa Radio & Electricals,
Penugonda.

...Petitioner

and

1.The Additional Commissioner of CT (Legal),
Nampally, Hyderabad and 3 others.

...Respondents

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WRIT PETITION NO.21122 OF 2007

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Order: (Per The Hon'ble Sri Justice Bilal Nazki)

Heard learned Counsel for the parties. With their consent, the Writ Petition is being disposed of at this stage.

The controversy is that pending an appeal, the application for stay was heard and reserved for orders on 22-06-2007 by the first respondent-Additional Commissioner of Commercial Taxes. In the meantime, the fourth

respondent-Deputy Commercial Tax Officer has issued Form-1 Notice attaching the property of the petitioner for payment of the disputed tax.

We have gone through the record. We feel that the interest of justice would have been met if stay was granted pending appeal, subject to deposit of half of the liability. Therefore, we set aside the impugned Form-1 notice issued by the fourth respondent and direct that half of the disputed tax liability shall be paid by the petitioner within a period of four weeks. For four weeks, there shall be an unconditional stay and the stay shall continue till disposal of the appeal, provided the amount is deposited within four weeks. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeal. The amount, if any, already deposited by the petitioner shall be given credit to.

Writ Petition is disposed of accordingly. No costs.

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(Bilal Nazki, J)

Dated 8th October, 2007

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(D.Appa Rao, J)

Note:
Wire at party's costs.
B/o
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